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DEC 10 2004

OFFICE OF PETITIONS

In re Application of :
Markku Verkama et al. :
Application No. 09/510,893 :
Filed: February 23, 2000 :
Attorney Docket No.: 796.330USW1 :
Title: MANAGEMENT OF PACKET :
SWITCHED CONNECTIONS IN A :
MOBILE COMMUNICATIONS NETWORK :

DECISION ON RENEWED PETITION
UNDER 37 C.F.R. §1.182

This is in response to the renewed petition filed October 20, 2004, under 37 C.F.R. §1.182, requesting the entry of a substitute specification.

This application is a continuation of PCT/FI99/00564. Petitioner has asserted that the English specification which he provided on filing was in fact a translation of the wrong document. Both a Finnish application and a PCT were prepared, with the former being different from the latter. Petitioner intended to file a translation of the PCT as the U.S. application, but inadvertently filed a translation of the Finnish application instead. Petitioner would like to substitute the application as filed with a translation of the PCT.

The original petition was submitted on November 18, 2003, and was dismissed as inappropriate via the mailing of a decision on September 1, 2004. The decision on the original petition set forth:

37 C.F.R. §1.182 provides a manner by which practitioners may petition the Commissioner for all situations which are not specifically otherwise provided for in the regulations. 37 C.F.R. §1.125 provides a manner by which practitioners may have a substitute specification entered. As such, this matter is provided for in the regulations, and the petition under 37 C.F.R. §1.182 is DISMISSED AS INAPPROPRIATE.

With this renewed petition, Petitioner has indicated that 37 C.F.R. §1.125 does not apply in this situation, as the translation of the PCT "is not submitted as a substitute specification but is instead submitted to correct an error introduced during the PCT International Phase¹."

It appears that Petitioner submitted the wrong translation for the international phase, and submitted the same translation for the continuation application.

Petitioner has two methods available to him to correct errors due to the submission of a deficient translation. He may submit an amendment, or if the nature or the changes renders the submission of an amendment difficult, he may submit a substitute specification.

Petitioner has chosen the latter route to correct the deficiencies of the specification. Petitioner has submitted a specification which is intended to be substituted for the specification which was submitted on filing. Petitioner would have the Office hold that this substitute specification is not a substitute specification but is rather the correction of an "error introduced during the PCT International Phase²." The cause of the error is irrelevant to the matter at hand and therefore, the Office must dismiss this assertion. As stated in the previous decision, 37 C.F.R. §1.125 provides a manner by which practitioners may have a substitute specification entered, and this renewed petition is again **DISMISSED AS INAPPROPRIATE**.

If Petitioner feels that he can establish a loss of rights, he is free to file a petition with PCT Legal to have the application converted to a national stage application pursuant to 35 U.S.C. §371, but he cannot establish his objective via the filing of a petition under 37 CFR 1.182.

Alternatively, Petitioner could file a petition to revive the PCT, along with an accurate translation of the application as filed.

After the mailing of this decision, the application will be forwarded to Technology Center 2600 for treatment of the substitute specification submitted with the original petition on November 18, 2003.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.



Paul Shanowski
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Office of Petitions
United States Patent and Trademark Office

¹ Renewed petition, page 2.

² Id.